

EXHIBIT 5

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IN THE COURT OF COMMON PLEAS
MADISON COUNTY, OHIO

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STATE OF OHIO, Ex Rel.  
Dave Yost, in his Capacity  
as Attorney General of the  
State of Ohio,

Plaintiff,

vs.

Case No.

CVH-20180055

MCKESSON CORPORATION,  
et al.,

Defendants.

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Remote videotaped deposition of
ANDREW J. KOLODNY, M.D.

July 21, 2020

9:33 a.m.

Renee L. Pellegrino, RPR, CLR
(Appearing remotely from
Cuyahoga County, Ohio)

1 the entire deposition.

2 BY MS. McNAMARA:

3 Q. So I will ask it again, Doctor.

4 Are you offering an expert opinion
5 on what distributors are required to do under
6 the Ohio Controlled Substances Act?

7 A. I'm not a lawyer. I'm not an
8 expert on the Ohio Controlled Substances Act.
9 I'm offering an opinion informed by facts and
10 facts including the fact that your client did
11 not follow the law and was fined millions of
12 dollars for failing to do so.

13 Q. In your professional career you've
14 never held a position focused on regulatory
15 compliance, correct?

16 A. I have never had a position working
17 as a compliance officer, if that's what you're
18 asking.

19 Q. Yes.

20 You've never worked for DEA,
21 correct?

22 A. I've never been employed by the --
23 well, I think I -- no, I've never been an
24 employee of the DEA.

25 Q. Have you done any consulting or --

1 time, but off the top of my head, I can't name
2 a specific small town in the state of Ohio
3 where your client flooded that town with pills.

4 Q. Were you referring to a particular
5 state other than Ohio in describing --

6 A. Yes. When I was referring to media
7 coverage, the way in which distributors failed
8 as DEA registrants, yes, that media coverage
9 was focused, I believe, on West Virginia.

10 Q. You've never been employed by a
11 wholesale pharmaceutical distributor, right?

12 A. I have never worked for a wholesale
13 distributor.

14 Q. Have you ever reviewed a
15 distributor's suspicious order monitoring
16 system, its policies, procedures, how it's
17 implemented?

18 A. I am familiar with those systems as
19 discussed in the expert report of
20 Mr. Rannazzisi.

21 Q. But outside the litigation, never
22 done anything like that?

23 A. Outside the litigation, no, I've
24 never reviewed the policies.

25 Q. Outside of what you learned during